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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,321	10/17/2003	Daniel Bettenburg	2695	8881
7590 Beck & Tysver, P.L.L.C. Suite 100 2900 Thomas Avenue S. Minneapolis, MN 55416				
EXAMINER				
SNEED, KWELLI D				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/688,321

Applicant(s)

BETTENBURG ET AL.

Examiner

Kwelli D. Sneed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being unpatentable over Tengal et al. (US Patent Number 5,940,812).

As per Claim 1, Tengal et al (US Patent Number 5,940,812) teaches a system for submitting loan data to a plurality of automated loan evaluation engines, each automated loan evaluation engine programmed to receive loan data and return results, comprising:

a) an engine launcher in communication with the plurality of automated engines, the engine launcher submitting loan data to the automated engines and receiving results from the automated engines, the engine launcher submitting loan data under the control of a set of business rules. Tengal et al teaches a system that is comprised of a database that accumulates information regarding potential borrowers and potentially available loans in the loan market and provides easy access to such information for potential borrowers and lenders, see (col.2, lines15-24). Tengal et al teaches "submitting loan data to the automated engines and receiving results from the automated engines," see (col. 2, lines 59-67).

and

Tengal et al (US Patent Number 5,940,812) teaches a best results filter that determines a set of best results from the results received by the engine launcher based

upon financial data associated with the results, see (Col. 3, lines 16-20 and Col. 3, lines 21-23).

Claims 5-8, 10 and 12 rejected under 35 U.S.C. 102(b) as being unpatentable by Levine et. al. (US Patent Number 6,233,566).

As per Claim 5, Levine et al (US Patent Number 6,233,566) teaches a system for analyzing interest from a plurality of investors in purchasing a loan from a lender comprising: a selection filter that compares loan data to published guidelines for the plurality of investors and creates a selected set of investors from the plurality of investors based upon the comparison;

b) a plurality of automated engines associated with the plurality of investors, each automated engine programmed to receive loan data and return results see, (col. 14, lines 54- 58);

c) an engine launcher in communication with the selection filter and the plurality of automated engines, the engine launcher submitting loan data to the automated engines under the control of predefined business rules, and the engine launcher receiving results from the automated engines, (col. 14, lines 54- 58);

d) a best results filter that determines a set of best results from the results received by the engine launcher based upon financial data associated with the results see, (US Patent Number 6,233,566; Col. 9, Table 2.)

As per Claim 6, Levine et al (US Patent Number 5,940,812) teaches a method for submitting loan data to a plurality of automated engines, the method comprising the

steps of:

- a) collecting the loan data, see (Abstract. Lines 12-20);
- b) selecting from among the plurality of automated engines a selected subset of automated engines based upon content of the loan data, see (Col. 2, lines 55-59);
- c) submitting the loan data to the subset of automated engines according to business rules, see (Col. 2, lines 42-51);
- d) receiving a plurality of results from the automated engines, see (Col. 3, lines 1-5);
- e) selecting a set of best results by comparing financial data related to the plurality results, see Col. 2, lines 25-37); and
- f) presenting the set of best results, see (Col. 3, lines 1-5).

As per Claim 7, Levine et al, teaches a method, wherein the step of selecting a selected subset of automated engines further comprises comparing the loan data to published guidelines for the plurality of automated engines, see Col. 9, lines 15-20).

As per Claim 8, Levine et al (US Patent Number 6,233,566) teaches the system, wherein the business rules define a plurality of strategies, with each strategy being associated with a particular subset of automated engines see, (col. 9, lines 14-20).

As per Claim 10, Levine et al teaches a method for analyzing interest from a plurality of investors in purchasing a loan from a lender, the method comprising the steps of:

- a) collecting loan data about the loan see, (Abstract, lines 12-20);
- b) selecting from among the plurality of investors a selected set of investors

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willing to purchase the loan based upon content of the loan data, see (Col. 2, lines 55-59);

c) submitting the loan data to one or more automated engines associated with the selected set of investors see, (Col. 2;

d) receiving a plurality of results from the automated engines;

e) comparing financial data related to the results to select a subset of best results from the plurality of results see (Col. 2, lines 25-37); and

f) presenting the best results see, (Col. 3, lines 1-5).

As per Claim 12, Levine et al teaches a method, wherein the selected set of investors is a subset of the plurality of investors, whereby at least one investor is excluded from the selected set based upon the content of the loan data see, (col. 14, lines 10-15).

2. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tengel et. Al. (US Patent Number 5,940,812) in view of Levine et. Al. (US Patent Number 6,233,566).

As per Claim 2, Tengel et al does not teach a system comprising: a selection filter that compares the loan data to published guidelines for the plurality of automated engines and creates a selected subset of automated engines based upon the comparison; wherein the engine launcher submits the loan data only to the selected subset of automated engines. Levine et al teaches a centralized exchange-system that stores “trading rules” and notifies a subscriber when loan products complies with its rules are published.

Levine et al. (US Patent Number 6, 233, 566) teaches the system comprising: a selection filter that compares the loan data to published guidelines for the plurality of automated engines and creates a selected subset of automated engines based upon the comparison; wherein the engine launcher submits the loan data only to the selected subset of automated engines. Levine et al teaches a centralized exchange system that stores “trading rules” and notifies a subscriber when loan products complies with its rules are published for the purpose of minimizing risk and in order to identify potential lenders/investors. Another reasoning is to automate the loan origination process and ease the process of selling securities through brokerage companies to buyers in the open market, see (col. 8, lines 6-13 and col. 9, lines 15-20). Therefore it would have been obvious to one skilled in the art at the time the invention was made to combine the inventions set forth by Tengel and Levine to automate the loan origination process and identify potential investors by pre-set rules and guidelines.

As per Claim 3, Tengel et al does not teach the system of claim 2, wherein the business rules define a plurality of strategies, with each strategy being associated with a particular subset of automated engines.

Levine et al (US Patent Number 6,233,566) teaches the system of claim 2, wherein the business rules define a plurality of strategies, with each strategy being associated with a particular subset of automated engines for the purpose of originating the right type of loan see, (col. 9, lines 14-20).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to combine the inventions of Tengel et al and Levine et al for the purpose of originating the right type of loan.

As per Claim 4, Tengel et al does not teach a system wherein the automated engines impose requirements to be accomplished along with their results, and the best results filter determines the set of best results in part by assigning financial costs to the requirements imposed on the results.

Levine teaches (US Patent Number 6,233,566) a system wherein the automated engines impose requirements to be accomplished along with their results, and the best results filter determines the set of best results in part by assigning financial costs to the requirements imposed on the results. Levine et al teaches a system for the purpose that imposes "requirements" or access rules pre-set by loan originators so they can

accurately target those potential investors within originators requirements, see Col. 13, lines 61-63) and (col. 14, lines 40-45).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to combine the inventions set forth by Tengal et al and Levine et al in order to accurately target those potential investors within originators requirements

Claims 9,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tengal et. Al. (US Patent Number 5,940,812) in view of Blanch et. al. (US Patent Publication Number 2003/0144949).

As per Claim 9, Blanch et al (US Patent Publication Number 2003/0144949), teaches a system, wherein the automated engines impose requirements to be accomplished along with their results, and wherein the step of selecting a set of best results further comprises assigning financial costs or preferences to the requirements imposed on the results for the purpose of computing add-on fees and determine underwriting conditions and guidelines from parameters entered and displayed results., see (sections 0014, lines 1-5 and 9-13; and 0035, lines 1-2).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to combine the invention set forth by Levine and Blanch et al to have the ability to compute add-on fees and determine underwriting conditions and guidelines from parameters entered and displayed results.

As per Claim 11, teaches a method of Blanch et al (US Patent Number 2003/0144949) wherein the step of comparing financial data includes the step of assigning financial costs to requirements imposed on the results by the investors for the purpose of having the ability to compute add-on fees and determine underwriting conditions and guidelines from parameters entered and displayed results, see (section 0014, lines 2-5 and 9-12; Section 0035, lines 1-2).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to combine the invention set forth by Levine and Blanch et al to have the ability to compute add-on fees and determine underwriting conditions and guidelines from parameters entered and displayed results.

Conclusion

Any inquiry concerning this communication from the examiner should be directed to Kwelli D. Sneed whose telephone number is (571) 270-3446. The examiner can normally be reached Monday –Thursday 7:00 am 4:40 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas A. Dixon can be reached on (571) 272-6708.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status Information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. Should you have any questions about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kwelli D. Sneed
Examiner
Art Unit 4172

/Thomas A Dixon/

Supervisory Patent Examiner, Art Unit 4172